



POLICY BRIEF

NEED FOR A LEGAL FRAMEWORK FOR RECOGNITION AND PROMOTION OF FARMER/PEASANT SEED SYSTEMS AND PROTECTION OF BIODIVERSITY

KEY MESSAGES

1. Farmer/peasant managed seeds are neither recognized nor supported by majority of legal frameworks in Africa.
2. Establishment of a specific regime for farmer/peasant seed systems is necessary to recognize and protect the rights of farmers/peasants, their practices, knowledge, and innovations, as well as the rules they define for the management, use and circulation of seeds within their collectives and networks.
3. Recognition and legalization of farmer varieties in to the mainstream national seed systems is important since they have continuously showed resilience to most of the threats to crops both abiotic and biotic through their consistency in performance.
4. Farmers/peasants need support to collectively define and adopt rules to ensure the quality of the seed they release within their collectives.
5. The selection, production and multiplication of farmers' seeds take place in the farmers' fields and are not subject to any form of authorization or registration requirement, either for the seed or for the farmer carrying out these activities.
6. Farmers/peasants support to create and maintain biodiversity conservation areas adapted to their context and to give them the name appropriate to that context is essential.
7. Farmers/peasants save their seeds according to their agricultural, cultural, and customary practices.
8. Resilient seed systems are generated/formed/thrive when supportive policy, legal, and socioeconomic conditions coexist, at local, district and national levels, and where a diversity of seed production and distribution practices, including farmer-managed practices are in place and active.

1.0 Introduction

Seeds are a basic requirement for crop production and one of the most precious resources in farming. They are the key through which farming communities play a fundamental agroecological role by planning and designing landscapes defined by agrobiological diversity. The importance of seed in crop production and food security and its ability to play an important role in technology transfer and improving farming systems has led to government interest in the organization of seed supply. Seed performs various functions in agriculture and as such plays a strategic role in a range of debates, in particular those concerned with rural development and food security, biodiversity, business development, knowledge and technology, and culture.

Estimates suggest that 60%-80% of the seeds on which smallholder farmers in developing countries including Tanzania depend, is saved on-farm or obtained through so-called informal distribution channels (as opposed to formal channels regulated, monitored and sanctioned by government and the private seed sector). These include seed exchanges between farmers in the same or neighboring communities, traditional community exchange systems (e.g. labor for seed), seed donation and return practices of community seed banks where applicable, and local fresh food markets where often both grains and seeds are sold.

2.0 Statement of problems

Despite the importance of the farmer seed systems, governments in Africa rarely support them, with little or no recognition in their legal frameworks, and there is no support for farmers' varieties reproduction, adaptation, commercialization, and use. This has a negative impact on agriculture productivity and farmer income, particularly for small-scale farmers who rely on growing local (farmer) varieties because it restricts their access to high-quality seed of these (farmers) varieties.

The current seed framework/regime which is recognized and supported by governments across Africa is not adapted to the practices, knowledge, innovations, and rules developed by farmer/peasant communities to organize seed production and dissemination within their collectives and different networks. The exceptions and some special mentions contained in the legal frameworks applicable to the commercial or industrial seed system in some African countries do not allow the full enjoyment of farmers/peasants of their seed activities as practiced and organized by them since time immemorial and adapted over the ages.

The exclusive focus of seed laws on a standardized commercial framework/regime and the absence of a specific regime adapted to farmers' realities, and practices make it difficult for farmers' seed systems to flourish, for farmers' rights to be realized and for agricultural biodiversity to be managed and renewed.

3.0 Justification for a legal framework that recognize and promote farmer seed systems and protection of biodiversity

Farmers and rural communities represent more than 70% of the population in most African countries and access seed mainly through farmer/peasant seed systems. The establishment of a specific framework/regime for farmer/peasant seed systems is necessary to recognize and protect the rights of peasants, their practices, knowledge, and innovations, as well as the rules they define for the management, use and circulation of seeds within their collectives and networks.

The Alliance for Food Sovereignty in Africa (AFSA) which is a broad alliance of different civil society actors involved in the struggle for food sovereignty and agroecology in Africa has initiated the elaboration of a framework for the development of seed laws favourable to farmer's/peasants 'seed systems and biodiversity. This framework is built on the results of various farmers' mobilizations that have taken place across Africa and the world and on the reflections of experts and other national and international organizations that accompany them. The proposed legal framework is organized around the following elements:

1. The preliminary provisions, i.e., the purpose, scope, guiding principles and definitions of terms;
2. The tools and bodies to be put in place for the management of the farmers' seed system, namely: the national committee on plant genetic resources whose to support the government in the implementation of this framework for the recognition and promotion of peasant seed systems and the rights of peasant communities over the seeds from their systems, as well as to maintain dialogue between the different actors for collective management of seed issues according to the needs of farmers/peasants and in the interest of the nation. Also is the regional farmers' seed committees which are created at the level of the agroecological zones of the country that constitute their area of action. They are networks composed of farmers, associations, public entities, and researchers active in the field of agricultural biodiversity. Their role is to ensure the safeguarding, dynamic management, multiplication, and dissemination of seed or genetic material registered in a regional farmers' register. Last but not least is the regional farmers' registers which identifies the farmers' varieties that are present in a given agroecological region to ensure greater traceability of the varieties in use in the region concerned.
3. Rules offering seed quality assurance in farmer seed systems, valuing autonomous organization of quality assurance;
4. Rules on the production and release of farmers' and farm-saved seed, including the protection of such seed from genetically modified organisms (GMO) contamination;
5. Promoting farmer participation in decision-making and protecting farmer innovation and knowledge.

4. Conclusions

In summary, one of the constraints facing the seed industry in Africa and Tanzania in particular is policy and law gap particularly non-recognition and support of the

farmer managed (Saved) seeds. While these seeds are a major input in the local and global food production, there is no specific regime/framework that recognizes and protects the rights of farmers/peasants on their seeds. The proposed legal framework by AFSA if adopted by the national governments in Africa and Tanzania in particular, could contribute in protecting farmer/peasant seeds at large and those which are on the verge of extinction but are important in food and nutrition sovereignty.

5. Policy Recommendations

- ☐ Governments in Africa to adopt the proposed legal framework for recognition and the promotion of farmer seed systems and the protection of biodiversity.
- ☐ Promote farmer participation in decision making in agriculture sector and seed sector in particular.
- ☐ Promotion of traditional knowledge, innovations, and practices of farmers in seed matters.

6. Further readings

1. AFSA (2022): Proposed legal framework for recognition and the promotion of farmer seed systems (FSS) and the protection of biodiversity.
2. Karine Peschard, Christophe Golay and Lulbahri Araya february (2023): The right to seed in Africa: The United Nations Declaration on the Rights of Peasants and other People working in Rural Areas and the right to seeds in Africa